Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

UNITED STATES SUPREME COURT

OCTOBER, 1994, TERM

VERMILION PARISH BUS DRIVERS AND
OPERATORS ASSOCIATION and
JEFFREY J. FAULK, SR.,
Petitioners

VERSUS

VERMILION PARISH SCHOOL BOARD, ET AL,
Respondents

ON PETITION FOR WRITS OF CERTIORARI AND
MANDAMUS TO THE UNITED STATES COURT
OF APPEALS, FOR THE FIFTH CIRCUIT

APPENDIX TO PETITION FOR WRITS OF CERTIORARI AND MANDAMUS VOLUME II OF II

J. MINOS SIMON
1408 West Pinhook Road
Post Office Box 52116
Lafayette, LA 70505-2116
Telephone: (318) 233-4625

Attorney for Petitioners

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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

VERMILION PARISH BUS DRIVERS, ET AL	:	CIVIL ACTION NUMBER: 92-0922
VERSUS	:	JUDGE DOHERTY
VERMILION PARISH SCHOOL BOARD, ET AL	:	MAGISTRATE JUDGE TYNES

O R D E R

Considering the foregoing memorandum ruling;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed on behalf of defendants, Vermilion Parish School Board, its superintendent, Daniel Dartez and its individual members, (Anthony J. Fontana, Jr., Kibbie P. Pillette, Hampton J. Primeaux, Cecil J. Hebert, Carroll E. LeBlanc, Herman J. Suire, Duffy G. Marceaux, Jr.) ("School Board Members")

and Vermilion Parish Assistant District Attorney and General Counsel for the School Board, Calvin Woodruff is hereby GRANTED.

Lafayette, Louisiana this 30 day of September, 1993.

/s/ Rebecca F. Doherty
REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

FILED ON: SEPTEMBER 30, 1993

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 93-5434

VERMILION PARISH BUS DRIVERS
AND OPERATORS ASSOCIATION, ET AL.,

Plaintiffs-Appellants.

versus

SCHOOL BOARD VERMILION PARISH, ET AL.,

Defendants-Appellees.

Appeal from the United States District
Court for the Western District
of Louisiana

ON PETITION FOR REHEARING

(May 26, 1994)

Before REYNALDO G. GARZA, DUHE' and

EMILIO M. GARZA, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby denied.

ENTERED FOR THE COURT:

/s/ Reynaldo G. Garza
United States Circuit Judge

FILED ON: MAY 26, 1994

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

VERMILION PARISH BUS DRIVERS AND OPERATORS ASSOCIATION and JEFFREY J. FAULK, SR.	:	**DOCKET NUMBER CV92-0922**
	:	**DIVISION "L-O"**
VERSUS	:	**JUDGE DOHERTY**
VERMILION PARISH SCHOOL BOARD, ET AL	:	**MAGISTRATE JUDGE TYNES**

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BEFORE ME, the undersigned Notary Public in and for the aforesaid Parish and State, personally came and appeared

JEFFREY J. FAULK, SR.

who, after being duly sworn, did depose and state as follows:

1. He one of the plaintiffs in the above captioned lawsuit.

2. He is the president of the Vermilion Parish Bus Drivers and Operators Association and the Louisiana School Bus Operators Association.

3. He has been employed as a school bus operator in Vermilion Parish since 1967 and is currently so employed.

4. He serves as an ex-officio member of the Board of Trustees of the Louisiana School Employees' Retirement System.

5. At the meeting of the Vermilion Parish School Board, when the board voted to have all employees sign in each day when they got to work, including bus drivers, he told the Board that if the bus drivers had to follow the law by signing in, they (the School Board) had to follow the law by not having "substitute" bus drivers who were not really substitutes; he told them that

they had a "substitute" driver who had been driving for two years, and that the law required that the driver be hired permanently after driving for ninety days; that they were getting away with paying that driver sixty-five (65%) percent of a regular driver's pay, and that he would see to it that the driver would be hired permanently, as the law provides.

6. A few days after the bus accident of May 1, 1991, during a meeting between himself, Cecil Hebert and Daniel Dartez, Cecil Hebert told him that he (Hebert) would support him concerning the bus accident, but that the other board members wouldn't because they were "pissed off" at him because he had told them that if the bus drivers had to follow the law by signing in, the School Board had to follow the law by not having

"substitute" bus drivers who were not really substitutes.

7. Before this incident where he told the board he would see to it that they follow the law, his relationship with the board had been good; he had never had problems with the board since he began driving in 1967.

8. He believes that the problems which arose after he told the board he would see to it that they follow the law, (which are complained of in this lawsuit), were strictly as a result of the board members being mad at him.

9. He believes that the board members also wanted to weaken the bus drivers association, and that one way to do that was to get rid of him.

10. He has never willfully neglected his duties or demonstrated any incompetence whatsoever as a bus driver.

11. The Board did not make available to him any policy, regulation or rule requiring a bus driver to summon the police to the scene of an accident with no injuries and no apparent damage of less than $100.00, or to notify his principal/supervisor of such an accident from the scene.

12. No principal or supervisor ever provided him a handbook of school rules, regulations and procedures.

13. He is aware of no state law requiring a driver to give notice of an accident to the police from the scene, if the accident does not involve injury to any person or if property damage does not appear to exceed one hundred dollars.

14. He twice asked the students on his bus if they were hurt before he departed the bus to talk with the driver of the other vehicle involved in the

accident on May 1, 1991 and twice the students told him they were not not hurt; when he re-boarded his bus, he asked the students again if anyone was hurt and they again told him they were not hurt.

15. His bus was not damaged in the May 1, 1991 accident, and the only apparent damage to the other vehicle was a bent bumper, which he and the other driver believed did not exceed one hundred dollars.

16. His former counsel, Howard Martin, showed him the letter from Marcus Broussard dated July 3, 1991, (Exhibit F), stating that the Board had not voted to bring any charges, nor met to hear or consider the charges.

17. On May 1, 1991 at approximately 4:00 p.m., he notified his supervisor of the bus accident that occurred on May 1, 1991 at approximately 3:35 p.m.; he met

with school board member Anthony Fontana on May 2, 1991 at approx. 9:00 a.m. and spoke about the accident, notified the Abbeville police department of same on May 2, 1991 at approximately 10:35 a.m., then delivered a report from the police department to the superintendent on May 1, 1991 and to his insurance agent.

18. During his more than twenty years of driving school buses, he has always had bus stops at which children would have to cross the street prior to boarding and after departing the bus; it has always been his practice as a bus driver to treat all children alike, even when planning the location of bus stops on his route.

19. On or about January 24, 1992, three students on his bus were acting up and "barking;" because they had previously gotten into trouble on his

bus, the three students had been assigned the first seat behind the driver; he stopped his bus, stood up and addressed the three students and ordered them to stop barking and to sit down and shut up; he returned to his seat and continued driving his route; at no time did he physically touch or strike any student.

20. The board failed to notify and meet with the bus drivers Association, and failed to explain and discuss policy GAAAQ regarding investigation of charges of corporal punishment.

21. After a hearing by the investigative committee, including Daniel Dartez, Cliff Allemann and Linda Guidry, he, the committee members, Isaac J. Funderburk, and Calvin Woodruff boarded Faulk's school bus; Woodruff sat in the driver's seat and Funderburk sat in the first seat behind the driver's seat;

Woodruff attempted to "backhand" Funderburk just as one of the students testified that Faulk had done; Woodruff was unable to reach or touch Funderburk; the demonstration proved that the student's testimony was false.

22. On March 19, 1992 at the meeting of the board, he requested that the board's discussion of his character and competence be in open session.

23. He was present in court in Abbeville, Louisiana when Calvin Woodruff told Judge Nehrbass that during the reinactment referred to above, he sat in the driver's seat and "backhanded Mr. Funderburk right across his face in the course of that demonstration."

24. His former counsel, Isaac J. Funderburk, gave him a copy of a letter written by superintendent Dartez on April 2, 1992, (Exhibit L), approving his

professional leave and acknowledging that he would be out of town from April 2-10, 1992.

25. In a meeting with superintendent Dartez, with regard to professional leave, Dartez instructed him to meet with his principal at his base school and notify the principal when professional leave had to be taken, and to have his substitute driver write by his name "professional leave;" that the board had never asked him for reimbursement for substitute drivers prior to Karl Bruchhaus' letter dated March 31, 1992. (Exhibit Q).

26. When superintendent Dartez approved his leave for April 2-10, 1992, he informed him that he would have to pay his own substitute out of his own pocket; however, after paying his substitute, Maxine Hebert, $218.00, the board paid

the substitute $232.76, whereupon Mrs. Hebert refunded the $218.00 to Faulk. (Copies of these checks are attached hereto as Exhibits R and S).

27. Ever since the events described in no. 25 and 26 above occurred, the Board has paid his substitute while he was on professional leave, and has not requested reimbursement from Faulk.

28. The Board pays substitute drivers sixty-five (65%) percent of a regular driver's salary; prior to be the filing of this lawsuit, some drivers were being paid as substitutes although they were not "substituting" for any regular driver.

29. Since this lawsuit was filed, the Board stopped its practice of keeping certain drivers on as "substitutes," and let those drivers go; as a result, some routes were changed and consolidated.

30. Some bus routes in Vermilion Parish are now overloaded, including Faulk's route, with more students on a bus than allowed by law; some days he carries 78 students on his bus.

31. Before re-routing or changing drivers' routes, the law requires that those routes be opened and offered to the most tenured driver; after this lawsuit was field, Faulk's route was changed so that his bus is now overloaded and he drives a less desireable route, although he is one of the most tenured drivers in Vermilion Parish.

32. Some drivers have been required to sign a sheet that said they were applying for sick leave, after they had driver for an extra-curricular trip, and even though they were not actually sick; those drivers' accrued sick leave time was substracted from those drivers.

33. By letter dated March 5, 1992 (Exhibit O), he notified superintendent Dartez of his desire to open negotiations for a successor contract to the contract expiring June 30, 1992.

34. By letter dated May 12, 1992 (Exhibit O), he notified superintendent Dartez a second time that the bus drivers association wished to negotiate a new contract.

35. He, as the official representative of the bus drivers association, was not notified by the board of any negotiations for a successor contract; he was told informally by the VAE representative that a meeting was scheduled the evening of March 19, 1992 to negotiate the teacher's and employees' contract, and he went to the meeting briefly but could not stay for the duration of the meeting, nor had

he been formally invited to participate in the meeting.

36. Ratification of the extension agreement of the teachers' and employees' contract was not on the Board's agenda fro the May 12, 1992 meeting, however the Board moved to ratify the agreement; several bus drivers who were in attendance at the meeting voiced opposition to the Board's proposed action and the motion was tabled until the next meeting; the Board ratified the teachers' extension agreement at its next meeting; the only "negotiations" with the bus drivers consisted of a few phone calls.

37. The Board did not engage in good faith negotiations, but insisted that the bus drivers take the same agreement as the teachers, or nothing at all; the bus drivers' contract expired without a successor contract and the bus

drivers are presently working without a contract.

38. The property committee of the Vermilion Parish School Board told him he could put a video camera on his bus if it was not against any policy of the BESE board.

39. Certain BESE board members told him that they had no policy against installing video cameras on school buses.

40. He owns his owns school bus.

41. He bought and installed a video camera on his bus after speaking with the property committee and BESE board members.

42. He read in the paper that the property committee was going to direct him to remove the video camera from his bus; he also received a letter from the assistant superintendent directing him to remove the camera.

43. He was out of town on approved professional leave when his bus was boarded and inspected by Diana Duhon and Clifton Alleman.

44. He went to the school board office and asked for a copy of any performance evaluation that had been put into his personnel file, and was given a copy of an unsatisfactory evaluation pursuant to Duhon's and Alleman's surprise inspection of his bus.

45. All of the allegations contained in this affidavit are based on his own personal knowledge.

/s/ Jeffrey J. Faulk, Sr.
JEFFREY J. FAULK, SR.

THUS DONE AND SIGNED before me, the undersigned Notary Public on the 1st day of March, 1993.

/s/ Nicole R. Daspit
NOTARY PUBLIC

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF VERMILION

BEFORE ME, the undersigned Notary Public, personally came and appeared:

J. ISAAC FUNDERBURK

a resident of the Parish of Vermilion, State of Louisiana, who after being duly sworn did depose and state:

1) That he functioned as attorney no behalf of Jeffrey J. Faulk, Sr., concerning the charges of corporal punishment lodged against Faulk by the parents of Randy Baldridge, and represented Faulk during the investigation conducted by the investigative committee appointed by the Superintendent;

2) That after the Board imposed a ten (10) day suspension upon Fauk in connection with the alleged corporal

punishment, he (Funderburk) was told by the Board's counsel, Calvin "Woody" Woodruff that if Faulk did not take the suspension, he would be inviting a removal hearing pursuant to LSA-R.S. 17:493.

/s/ J. Isaac Funderburk
J. ISAAC FUNDERBURK

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned Notary Public in and for the aforesaid state and parish on this 20 day of May, 1992.

/s/ Michael J. Herpin
NOTARY PUBLIC
MY COMMISSION EXPIRES AT DEATH

Bus Safety - File # EDC

Handbook for

Bus driver never hand-out-(prepared)
not approved by Bus
drivers Assoc
part of contract -
Never brought before the
Board for approval;
therefore never
handed out.

A That's what the policy says, yes.

Q Who formulated this policy?

A The policy was formulated by Mr. Funderburk, our legal counsel, and the members. We negotiated that out.

Q All right.

A And that became part of the Board policy.

Q Now, so you say that he appointed one of the --

A Right.

Q -- committee members, and you appointed the two others?

A Yes, there was two appointed by myself and one by him.

Q Who did you appoint?

A Myself and Mr. Alleman, assistant superintendent.

Q You appoint -- by what authority do you appoint yourself? You appointed

yourself.

A It's part of the policy.

Q Where is it in the policy? I'm sorry, you'll have to show me.

A I appointed myself and Mr. Allen to the investigative team and Mr. Faulk requested -- I have a Fax here from Mr. Funderburk to Mr. Woodruff, requesting the services of Linda Guidry, be the third member of the investigative team.

Q I understand that. But my question to you is, where do the procedures here that were formally adopted authorize you to appoint yourself?

A (No reply)

Q You can't find it anywhere?

A No, but it doesn't say I can't.

Q It says, "The superintendent shall appoint an investigation team of three members."

A (Nods head)

Q So you consider -- the fact that you've got the power of appointment, that means you appoint yourself, you've got the power to appoint yourself?

MR. JUNEAU:

I'm going to object on the basis that you're being argumentative.

EXAMINATION BY MR. SIMON:

Q Is that your interpretation of this?

A Yes.

Q You have ever appointed yourself before?

A (Nods head)

Q You do it every time?

they told him at the time --

A That's right.

Q -- that they were not injured?

A No, I take his word.

Q You assume that that's true when he said he asked the children --

A Yes, sir.

Q -- and nobody complained?

A That's correct.

Q So, from that standpoint, then, if nobody was hurt and it was a minor accident, it was his responsibility -- his responsibility, then, to safely deliver the children home?

A It was, but it was his responsibility to report it.

Q All right. Now, when he got home, immediately upon getting home --

A (Nods head)

Q -- if he tried to report it, would that be immediately reporting it?

A Pretty close to, yes, I guess so.

A All right, and let me ask you, you also charge here that he attempted to prevent an investigation. What do you mean by that?

A Attempted to prevent an investigation. I think

July 11, 1991

Hon. Marcus A. Broussard, Jr.
Attorney at Law
105 Tivoli Street
Post Office Box 7
Abbeville, LA 70510

RE: Vermilion Parish School Board
v.
Jeffrey Faulk
My File No.: 91-7189-M

Dear Judge Broussard:

In reference to the above, please issue subpoenas for the following witnesses to appear at the Hearing which is presently fixed for July 30, 1991 at 6:00 p.m.:

1. Bennett Hulin, Hwy. 331, Erath, LA; (318) 937-6433;
2. Ray Broussard, 1910 Prairie Ave., Abbeville, LA 70510 (318) 893-2251;

3. Carroll Comeaux, P.o. Box 113, Maurice, LA 70555 (318) 893-3620;

4. Earl J. Broussard, 1630 Prairie Ave., Abbeville, LA 70510 (318) 893-1660;

5. Diana Duhon, 620 North Shireview Circle, Abbeville, LA 70510 (318) 893-8761;

6. Dr. Daniel R. Dartez, Superintendent, Vermilion Parish School Board, 220 South Jefferson St., Abbeville, LA 70511-0520 (318) 898-5770;

7. Mr. Wayne Causey, Farm Bureau Insurance company, Post Office Box 44, Abbeville, LA 70511-0044 (please have Mr. Causey produce his entire claim file concerning an accident which happened on or about May

1, 1991 between an insured of Farm Bureau Insurance Company named Jeffrey Faulk and a vehicle

Being owned and driven by Mr. Bennett Hulin, Hwy. 331, Erath, Louisiana, said file to include but not be limited to, any writings reflecting the claims of Tabitha Frederick, Michelle Frederick, Crystal Frederick, and Jennifer Bourgeois).

Please be advised that Mr. Faulk desires a private hearing at this time. Please be further advised that the fact that we are requesting subpoenas to be issued to order to protect the rights of Mr. Faulk should not be construed as an admission that the Hearing is being held

according to law. It is the position of Mr. Faulk that this hearing is being being illegally held for the reason that Superintendent Dartez is bringing charges against Mr. Faulk without the approval of the School Board. The applicable statute provides that charges can only be brought by the superintendent with the approval of the School Board. A review of the Minutes of the School Board since May 1, 1991 indicates that the School Board has never authorized or approved the brining of the charges by Superintendent Dartez. Obviously, approval means that the School Board must vote to bring these charge and a majority of the School Board members must concur before the Superintendent can bring charges and a Hearing be held.

If you have any questions, please feel free to call.

With kind regards, I remain

Very truly yours,

/s/Howard W. Martin

Howard W. Martin

HWM:vdr

INVESTIGATIVE COMMITTEE REPORT ON COMPLAINT OF IMPERMISSIBLE CORPORAL PUNISHMENT

February 25, 1992

Committee Members:

Dr. Daniel Dartez, Superintendent

Mr. Clifton Alleman, Jr., Assistant Superintendent

Lynda Guidry, LAE UniServe Director

Complaint by Randy Baldridge, J.H. Williams Middle School student, of being backhanded by Mr. Jeffery Faulk, Vermilion Parish School Bus Driver.

Date of incident: Friday, January 24, 1992

Investigative hearing held: February 13, 1992, and continued on February 19, 1992

Committee's report is as follows:

Facts that committee agrees upon:

The students testifying have been documented as having given trouble to

their bus drivers.

There was excessive (barking) noise on the bus to the point where the bus driver, Jeffery Faulk, felt he had to stop the bus to restore order.

There are inconsistencies in the stories of the witnesses who testified that Mr. Faulk had backhanded Randy Baldridge. These inconsistencies are:

1. Their actual seat positions: Randy Baldridge testified he was sitting in the middle of the front seat while his two seat mates, Brandon Romero and Brandon Baldridge, testified he had the window seat. This was also supported by Shawn Campbell, who was sitting across the aisle.

2. Disagreement as to where Randy Baldridge was hit. Shawn Campbell and Brandon Baldridge said Randy

Baldridge was backhanded by Mr. Jeffery Faulk. Brandon Romero said that Randy Baldridge was hit on the cheek or chest, but not very hard. Mr. Blane Saunier testified that Nicondau Williams, in a statement to him, said that she did not see any physical contact.

3. In a written statement through his legal counsel, Mr. J. Isaac Funderburk stated, "Mr. Faulk stood up and told Randy Baldridge to shut up and sit down. Randy Baldridge ignored Mr. Faulk....Mr. Faulk then told Randy Baldridge to shut up and sit down or else I'll take you to the office like I did your brother. I'll have you expelled if you don't behave. During this verbal exchange, Mr. Faulk was pointing to Randy's seat with his left hand.

This gesture emphasized where Randy was to sit."

4. In a letter signed by Kevin Dennis, an Abbeville High School student, stated Randy lied on Mr. Jeffery Faulk. Mr. Jeffery did not slap him.

5. Three students in the front seat testified that Jeffery Faulk never told them to stop barking, but Jeffery Faulk and a student testified that he had told them several times to stop.

The following are conclusions reached by the committee:

1. The students were barking, and on more than one occasion were told to stop by the bus driver.

2. Because of conflicting stories, the committee cannot access exactly what and how the incident occurred, but

an incident did occur which caused Randy Baldridge to stand up and curse the bus driver, Jeffery Faulk.

3. The committee questions the reason why the incident was not reported to the school officials until the following Monday, because normally an incident of this magnitude would be reported immediately to the school administration.

4. The committee questions the investigative procedure used by the Assistant Principal where more than one witness was allowed to present his testimony in the presence of other witnesses.

5. The committee questions the validity of Jeffery Faulk's written statement, and do not feel it is an accurate representation of the actual alledged incident.

/s/ Dr. Daniel Dartez

Dr. Daniel Dartez,

Superintendent

/s/ Clifton Alleman, Jr.

Clifton Alleman, Jr.

Assistant Superintendent

/s/ Lynda Guidry

Lynda Guidry, LAE UniServe

Director

April 2, 1992

TO: School Board Members

FROM: Dan Dartez, Supt.

Re: Complaint against Jeffery Faulk

Background:

As a result of a report developed from an investigative committees hearing, there basic facts in this case are known:

1. There are inconsistencies in the testimony of the eye witnesses. The inconsistencies rest mainly as to the actual seating positions of the eyewitnesses and as to whether Mr. Faulk's hand struck Randy in the face or in the chest area.

2. Mr. Jeffery Faulk did strike Randy Baldridge, Jr. However, his intent as to whether the action was a reflexive reaction, a premeditated action, or simply reaching to grab Randy could not be substantiated.

3. Mr. Faulk's initial written responce to the complaint was not an accurate representation of the incident.

Superintendent's Recommendation with Rationale:

Mr. Faulk's action, as investigated, is deserving of School Board reprimand. The severity of the reprimand should be either:

A short suspension without pay; or

A strong letter of reprimand for his personnel file.

I would not recommend the convening of a La. R.S. 17:493 Hearing for termination due to legal ramifications arising from the inconsistent testimony. A position supported the Board's legal counsel who also participated in the hearing process.

ABBEVILLE MERIDIONAL

Wednesday, July 31, 1991

JEFFERY FAULK SUSPENDED FOR BUS ACCIDENT

By Angie M. Hebert

Louisiana bus Association President and Vermilion Parish Bus Association President Jeffery Faulk was found guilty as charged during a two-hour special meeting of the Vermilion Parish School Board Monday night.

The board unanimously found Faulk guilty for failing to notify police and School Board officials about a bus accident in May, 1991 while transporting students in Vermilion Parish. The charge was motioned by board member Anthony Fontana and seconded by Hermain Suire.

"We were first notified by calls from parents of kids injured. For this type of accident it is state law to report it," said Vermilion Parish School

Board President Kibbie Pillette.

Faulk did not come forth with a report to the School Board until July 3, after personally paying for all repairs on the other vehicle involved in the accident.

As a result of disciplinary action taken by board members at the special meeting, Faulk will be suspended from bus driving duties in Vermilion Parish for five days without pay, effective the first day of the 1991-92 school year.

Faulk had no comment to share with the media upon hearing the verdict of the board.

"It is not the decision of the bus driver to decide if the accident is severe or not. He is required to notify the police and the school board. We can not afford for an employee to break policy" concluded Pillette.

THE ADVERTISER

Thursday, August 1, 1991

VERMILION SCHOOL BOARD SUSPENDS BUS DRIVER

By Catherine Trahan

Acadiana Correspondent

ABBEVILLE - Louisiana Bus Association and Vermilion Parish Bus Association President Jeffery Faulk has been suspended without pay for five days.

The decision was made following a two-hour hearing at Tuesday night's special Vermilion Parish School Board meeting.

Faulk was found guilty by the board of failing to notify police and school board officials about a bus accident that occurred in May 1991 while he was transporting students.

The suspension begins on the first day of the 1991-1992 school year.

According to board members, the board was notified of the accident by parents of children who received minor injuries.

"We were notified by calls from parents of injured kids," said board President Kibbie Pillette. "State law says that accidents must be reported."

Faulk personally paid for repairs for the other vehicle involved in the accident but did not report the accident to the board until July 3.

It is not the decision of the bus driver to decide how serious an accident is," said Pillette. "We cannot afford for an employee to break policy."

Faulk had no comment on the matter.

THE ADVERTISER

Saturday, August 3, 1991

VERMILION BUS DRIVER TAKES EXCEPTION TO SUSPENSION BY BOARD

By Catherine Trahan

Acadiana Correspondent

ABBEVILLE - Jeffery Faulk, president of the state association of bus drivers and the Vermilion Parish bus drivers association, denies any wrongdoing regarding his suspension.

He was suspended for five days without pay for allegedly failing to report an accident to the Vermilion Parish School Board.

Faulk met with reporters Friday morning, three days after a hearing which lead to the board's decision for suspension.

Faulk says he did report the May 1 accident as soon as he finished the bus

route.

"When I got home, my supervisor had already been notified about the accident by parents but I would have reported it anyway," Faulk said.

"My only error was in not calling the police," he said, "but I did go later to receive an accident report for insurance purposes."

According to Faulk, the accident was minor and he agreed to personally pay for the other vehicle's damages.

"I saw it was very minor and I asked the children three times if anyone was hurt and they told me no," said Faulk.

"I continued on my route because no one said they had been hurt," he said.

But some children did report to the hospital for minor injuries according to Faulk and it was these parents who notified Faulk's supervisor of the

accident.

"The board says I didn't follow policy but I never saw a policy handbook before now," said Faulk.

"Anyway, board policy says I have to notify my supervisor of the accident and I did that when she called to question me about the accident," he said.

"This is a political thing because I was told by a board member that many wouldn't support me because I had tried to tell the board what to do one time," Faulk said.

"I did not break any policy and I am not guilty of anything," he said.

Faulk said he is considering filing a lawsuit against the school board for defamation of character.

He has worked as a bus driver in the system for 24 years.

ABBEVILLE MERIDIONAL

Sunday, August 4, 1991

FIVE-DAY SUSPENSION UNJUST; NO POLICY BROKEN ACCORDING TO FAULK

By Gwen Broussard

The president of the Vermilion Parish School Bus Driver's Association said Friday his five-day suspension is unjust and that he did not break any school board policy.

Jeffery Faulk was suspended for five days without pay by the school board during a special meeting last Tuesday night for "willful neglect of duty and incompetence." In the letter advising Faulk of the hearing disciplinary action, the board said Faulk was neglectful of his duty because of his failure to report an accident and his actions in attempting to prevent the investigation of the accident and a report being made.

Friday morning, Faulk called a press conference to tell his side of what happened.

The charges stem from an accident Faulk was involved in while transporting students home on the afternoon of May 1. According to Faulk, he was crossing the Vermilion River Bridge on the Hwy. 14 By-Pass when it began raining. For some reason, the truck in front of Faulk stopped and the bus hit the rear of the truck.

"I asked the kids two times before I got out of the bus if they were hurt," Faulk said. "Then I talked to the driver of the truck. He said he was not hurt. There was only minor damage to the bumper of the truck.

"We did not discuss calling the cops at any time. We only discussed repairing his truck. Then I went back in the bus

and asked again if the children were hurt. Then I went on and delivered the children home."

Though the children had said they were not hurt when Faulk asked them, the child at the first stop and the four children at the second drop-off were brought for medical attention to the hospital and family doctors. The parents also called the school board office, notifying them of the accident.

"At 4:15 when I got home, Dee (Duhon, Coordinator of Transportation) had called and I had to call her back. She told me some of the kids were hurt and had gone to the hospital. I went to the hospital but they told me the kids were not hurt and had gone home."

Faulk said he spoke to both school board member Anthony Fontana and Superintendent Daniel Dartez the next

day. The advised Faulk to get an accident report, which he did on May 2.

Faulk said when he spoke to board members several days later, he was told some members were upset because Faulk had earlier told the board "you have to follow the law."

Faulk was then notified by letter in early June of an investigative hearing set June 18. Because the board is required to have 20 days notice, the date was changed to June 25.

"They had not charged me with anything and state law says you don't have a hearing if you are not charged with anything," Faulk claimed.

Faulk's attorney was going to be out of tow on that date so the hearing was rescheduled for July 30 and a third letter was sent charging him with willful neglect on duty.

Faulk said he asked the board to subpoena seven witnesses for the hearing but the board only allowed two to testify, Duhon and his former supervisor, Earle Broussard. Both Duhon and Broussard testified that they had never given Faulk a copy of any policy concerning accidents.

Faulk said a copy of the policy has been given to him since the accident. The policy titled "Bus Safety for all Drivers" was adopted July 1, 1982. Superintendent Daniel Dartez signed the copy given to Faulk on June 14, 1991, confirming that the policy had been in effect since 1982 and remains in effect.

"How can the board expect you to follow a policy if you never saw it?," Faulk continued, "I didn't break no policy.

"I didn't call the cops because I

felt it was very minor. Their policy doesn't even say to call the cops.

"They said I broke rule 25 to report all accidents to the principal or supervisor immediately. What is immediate? I called my supervisor at 4:15 p.m. (May 1) when I got home.

"But they can see I followed rule 15. It says don't leave the bus to go to the phone in case of an accident. It says to send two kids to the nearest residence. But, what if something would happen to those kids."

Faulk who has been a Vermilion Parish School Board driver for the past 24 years, said he had no accidents on his record before this and does not feel justice was served in his case. Since the hearing was final, Faulk said his only recourse now is through the court system and he is considering a lawsuit.

ABBEVILLE MERIDIONAL

Friday, April 3,1992

BUS DRIVER IS SUSPENDED FOR STRIKING STUDENT

By Craig Mergist

Vermilion Parish school bus driver Jeffrey Faulk was suspended with pay for 10 days Thursday for striking a student and failing to report the incident in a timely manner.

The action came after the Vermilion Parish School Board met behind closed doors for more than one hour.

Board members accepted an Investigation Committee report on the incident. The report stated the committee found Faulk "imposed impermissible corporal punishment" while correcting a student who was barking on his bus in January.

The report also stated that there

was conflicting testimony concerning the incident and that it was unsure if Faulk meant to hit the student or if his hand just brushed the student.

Citizens for Public Education (CPED) went on record Thursday in support of a tax if it were dedicated to areas "which would enhance education," according to Edlbert Dawson, CPED president.

"We are ready to go forward with education," Dawson said. "We must come together as a School Board with parents and teachers, public schools as well as private schools.

"We're not a watchdog organization, but we will holler 'tripe' if tripe is served," Dawson said.

He complimented the board for some of its recent cost-saving measures, such as the central bus shop.

Finance committee chairman Tony

Fontana said his committee would be willing to attend a meeting of CPED to discuss the financial situation of the school system and answer any questions the group may have.

Three principals of the year were recognized at the start of the meeting.

Clarence Moss of Abbeville High received a plaque for being named High School principal of the year, while Ebrar Reaux of Erath Middle was Middle School Principal of the Year.

Teddy Broussard received a double honor. He was named Elementary School Principal of the Year and also won the title of Regional Elementary Principal of the Year.

Board members presented a $17,000, four-year scholarship to Jessica Trahan of Abbeville High School. She plans to attend Nichols State University.

The board also adopted a resolution in recognition of Mary Pat Huval's contributions as the parish Drug Free Coordinator.

"Mary Pat is a special individual," Bonnie Broussard said. "She has been there any time anyone at Vermilion Takes A Stand has called."

Broussard spearheaded and is in charge of the Vermilion Takes A Stand anti-drug program.

The board's finance director, Karl Bruchhatus, told the board revenues for February were $3.35 million and expenditures were $2.68 million, but that utilities or running higher than anticipated.

For the fiscal year-to-date, revenues are $21 million and expenses are $17.56 million,f or an operating gain of $3.43 million.

The board adopted a resolution to request local legislators conduct a feasibility study to see if it may be more efficient to purchase textbooks for publishing companies rather than from the state book depository.

The board's legal advisor, Calvin Woodruff, Jr., said he is continuing his investigation into billing irregularities for past legal assistance.

Board members also adopted a policy on attendance zone requirements.

The policy states "Vermilion Parish students shall attend school in the attendance area in which they are legally domiciled."

The school principal will be responsible for monitoring the school enrollment list and shall immediately terminate or transfer a student found to be out of zone.

"All students must have in their file an updated domicile form signed by a parent" or legal guardian.